

REMARKS

Reconsideration of this application is respectfully requested.

A Request for a One Month Extension of Time accompanies this Amendment.

This Amendment is in response to the Office Action dated 01/12/2005. By said Office Action, Claims 1, 2, 4, 9 were rejected and the Specification was objected to under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. More specifically, the variables A_i , B_i , D_i , E_i and e_i in the claims were indicated as not defined in the claims or the specification. Further in Claim 4, the term "a known power level" was indicated as not defined in the specification. No art was applied to Claims 1, 2, 4 and 9.

A new Abstract containing between 50 to 150 words was required. The drawings were objected to because Fig. 8 and Fig. 9 do not contain measurement units for the Y-axis.

Claim 3 was rejected under 35 U.S.C. 103 (a) as being unpatentable over Makino et al (US 5,231,595) in view of Shigeoka et al. (US 6,479,801B1). Claim 5 was objected to as depending from rejected Claim 4. Claims 6 and 7 were indicated as allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claim 8 was allowed. Claims 10-12 were objected to as depending from rejected Claim 9. Applicant notes that Claims 10-12 depend from allowed Claim 8.

By this Amendment, a new Abstract of the Disclosure has been submitted having between 50 and 150 words. Replacement amended drawings of Fig. 8 and Fig. 9 having measurement units for the Y-axis have been submitted. Claims 1-7 and 9 have been cancelled. Claims 8 and 10-12 are pending in the case.

AMENDMENTS TO THE CLAIMS

Applicant has canceled Claims 1, 2, 4, and 9 which were rejected under 35 U.S.C. 112, first paragraph and Claims 3 which was rejected under 35 U.S.C. 103 (a) and Claims 5-7 which depend from canceled Claim 3. Claim 8 was indicated as allowable and Claims 10-12 depend from Claim 8. Applicant respectfully urges that Claims 8 and 10-12 are in allowable condition.

AMENDMENTS TO THE ABSTRACT OF THE DISCLOSURE

The Abstract of the Disclosure has been rewritten to be within the required length and is now deemed to be acceptable.

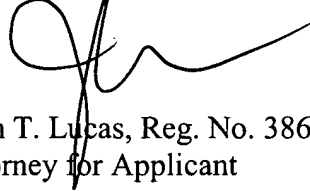
REPLACEMENT DRAWING FIGS. 8 AND 9

Marked-Up and Amended replacement FIG. 8 and FIG. 9 are submitted herewith. As noted in paragraph [0013], FIG. 8 is a plot of emissivity versus temperature; and as noted in paragraph [0014], FIG. 9 is a plot of normalized ratios of measured power to calculated emitted power as a function of temperature. The Y-axis of the replacement drawings have been labeled "Emissivity" and "Measured/Calculated Emitted Power ($\frac{A_i}{e_i B_i(T)}$)" (See Eqn. 15 in paragraph [0028]) in FIG. 8 and FIG.9, respectively. Applicant respectfully submits that FIGS. 8 and 9 now comply with the Examiner's requirement.

CONCLUSION

Based on this Amendment and accompanying Remarks, it is respectfully urged that Claims 8, and 10-12, as indicated on the attached complete listing of claims, are in allowable condition, and such action along with issuance of this case is respectfully requested.

Respectfully submitted,



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Attachment(s)

Dated: 5/12/2005

MAKED-UP

AMENDED REPLACEMENT DRAWING SHEET FOR FIG. 8
SN. 10/652,366

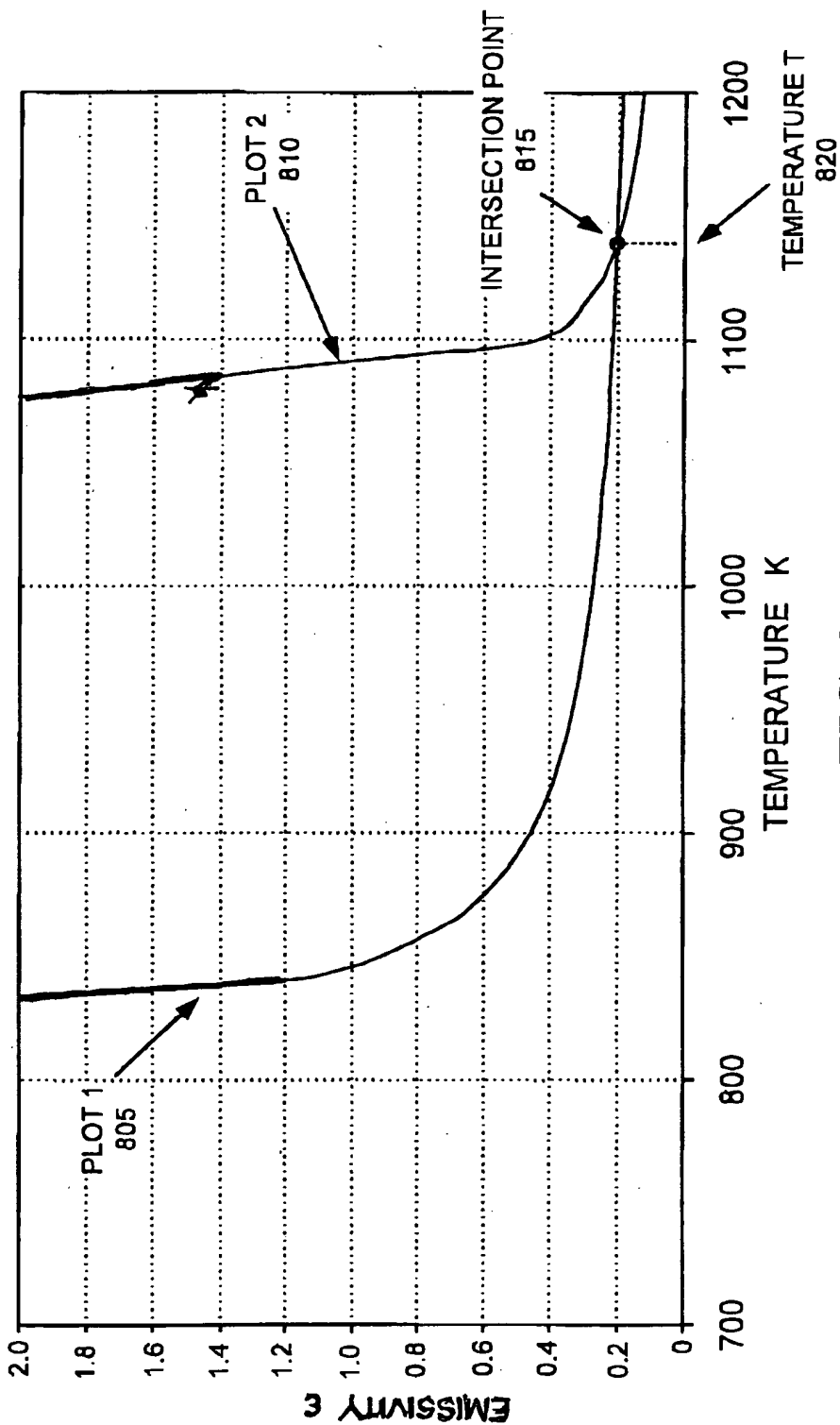


FIG. 8

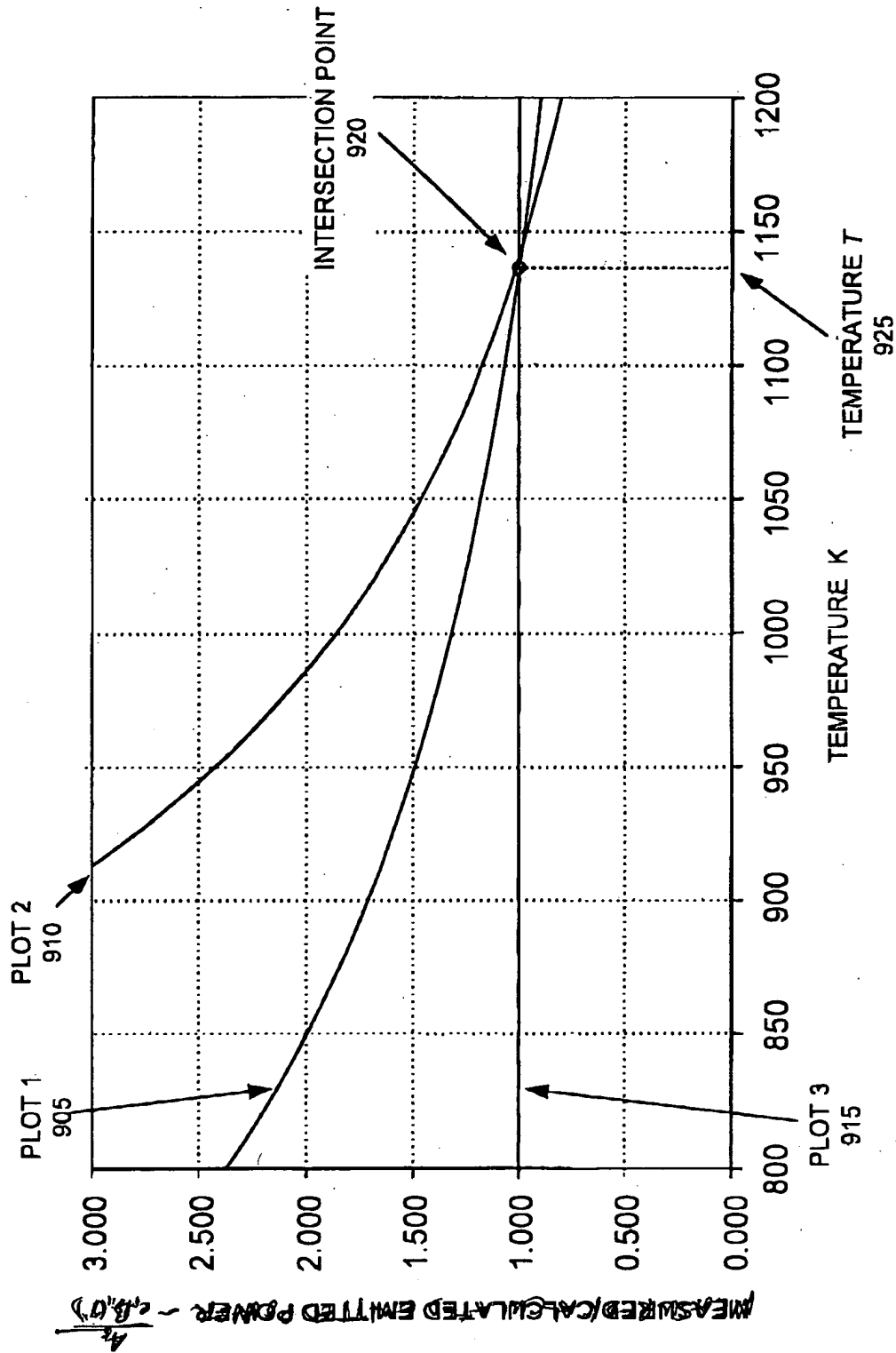


FIG. 9